

## DEPARTMENT OF INDUSTRIAL RELATIONS

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September 29, 1999

Elizabeth B. Relosa  
Marketshare, Inc.  
2001 Tarob Court  
Milpitas, CA 95035

Re: Public Works Case No.99-034  
Valley View Elementary School, Pleasanton Unified  
School District, Installation of Signage by  
Marketshare, Inc.

Dear Ms. Relosa,

This constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above-named project under the California prevailing wage laws and pursuant to Title 8 California Code of Regulations section 16000(a). Based upon my review of the documents submitted, and for the following reasons, it is my determination that the on-site work performed by Marketshare, Inc., in relation to the Valley View Elementary School construction, is a public work for which prevailing wages must be paid.

West Bay Builders (West) is the general contractor on the construction of the Valley View Elementary School. West has contracted with Marketshare, Inc. to design, manufacture and install various signage as part of the construction of the elementary school.

The on-site installation of the signs consists of measuring and attaching panel,-- wall-mount and exit signs, using hand tools, electrical drills and battery-operated drills. The installation on the signs will be performed as the buildings are completed.

Labor Code section 1720 generally defines public works to mean "Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds... ." Under Labor Code section 1772, "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work."


The construction of the Valley View Elementary School is a public work on which West is required to pay its employees prevailing wages. The installation of the signage constitutes construction.

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Because it is done under contract and paid for with public funds, it is a public work under section 1720(a). In addition, because it is part of the scope of work under West's contract with the school district, the signage work is in the execution of a public works contract under section 1772. Accordingly, Marketshare employees installing the signage must be paid prevailing wages.

With respect to your question regarding work classification, please contact the prevailing wage unit of the Division of Labor Statistics and Research at (415) 703-4774.

Sincerely,

  
Stephen J. Smith  
Director

cc: Daniel M. Curtin, Chief Deputy Director and  
Acting Chief, DLSR  
Marcy Vacura Saunders, Labor Commissioner  
Henry P. Nunn, III, Chief, DAS  
Vanessa L. Holton, Assistant Chief Counsel